

INCIDENT/INVESTIGATION
REPORT

I N C I D E N T D A T A	Agency Name <i>Tyler Police Department</i>		Case# <i>16-028385</i>	
	ORI <i>TX2120400</i>		Date / Time Reported <i>12/02/2016 14:18 Fri</i>	
	Location of Incident <i>3954 Mcdonald Rd, Tyler TX 75701-</i>		Premise Type <i>Residence/home</i>	Zone/Tract <i>4</i>
			Last Known Secure <i>12/02/2016 14:18 Fri</i>	
#1	Crime Incident(s) (Co) <i>Agg Assault</i> <i>22.02</i>		Weapon / Tools <i>Firearm</i>	
	F		Activity	
	Entry		Exit	
	Security			
#2	Crime Incident (Co) <i>Unlawful Carry Of Weapon</i> <i>46.02</i>		Weapon / Tools <i>Firearm</i>	
	P		Activity	
	Entry		Exit	
	Security			
#3	Crime Incident (Co) <i>Criminal Trespass</i> <i>30.05</i>		Weapon / Tools	
	M		Activity	
	Entry		Exit	
	Security			
MO				
V I C T I M	# of Victims <i>4</i>	Type: INDIVIDUAL/ NOT LAW		Injury:
	V1	Victim/Business Name (Last, First, Middle) <i>FRANKLIN, DERIL</i> <i>SS#: 458-21-8149</i>		Victim of Crime # <i>3</i>
	DOB <i>06/04/1957</i> Age <i>59</i>		Race <i>B</i>	Sex <i></i>
	Relationship To Offender <i>Resident</i>		Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>3954 MCDONALD RD , Tyler, TX 75701-</i>		Home Phone <i>903-258-4390</i>	
	Employer Name/Address <i>SELF (SEMI-RETIRED)</i>		Business Phone	Mobile Phone
O T H E R I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)			
	Type: INDIVIDUAL/ NOT LAW ENFORCEMENT		Injury: None	
	V2	Name (Last, First, Middle) <i>ELDER, DERIL WAYNE</i> <i>SS#: 632-62-4700</i>		Victim of Crime # <i>1,</i>
	DOB <i>05/22/1998</i> Age <i>18</i>		Race <i>B</i>	Sex <i></i>
	Relationship To Offender <i>1RU,2R</i>		Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>3954 Mcdonald Rd Tyler, TX 75701</i>		Home Phone <i>903-343-4370</i>	
P R O P E R T Y	Employer Name/Address		Business Phone	Mobile Phone <i>903-787-0164</i>
	Type: INDIVIDUAL/ NOT LAW ENFORCEMENT		Injury: None	
	V3	Name (Last, First, Middle) <i>ELDER, EMMA JEAN</i> <i>SS#: 462-27-6892</i>		Victim of Crime # <i>1,</i>
	DOB <i>03/19/1966</i> Age <i>50</i>		Race <i>B</i>	Sex <i>F</i>
	Relationship To Offender <i>1RU,2R</i>		Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>3954 Mcdonald Rd Tyler, TX 75701</i>		Home Phone <i>903-258-4390</i>	
Employer Name/Address <i>(DISABLED)</i>		Business Phone	Mobile Phone	
1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)				
VI #	Code	Status Frm/Tc	Value	OJ
13	EVID		\$0.00	1
13	EVID		\$0.00	1
13	EVID		\$0.00	1
13	EVID		\$0.00	1
13	EVID		\$0.00	1
80	EVID		\$0.00	1
59	EVID		\$0.00	2
59	EVID		\$0.00	1
59	EVID		\$0.00	1
03	TOWD		\$0.00	1
07	1		\$0.00	1
Property Description				
Make/Model				
Serial Number				
<i>HANDGUN</i> <i>380/RUGER/Lcp</i> <i>371649436</i>				
<i>RIFLE</i> <i>556/SMITH & WESSON/M&p-15</i> <i>TE71011</i>				
<i>RIFLE</i> <i>308/REMINGTON/700</i> <i>RR725498</i>				
<i>MACHETE</i> <i>GERBER</i>				
<i>SHOTGUN</i> <i>12/WINCHESTER/Super X Defende</i> <i>12AZT20030</i>				
<i>TACTICAL VEST</i>				
<i>MAGAZINES</i> <i>556/PMAG</i>				
<i>MAGAZINE</i> <i>380/RUGER/Lcp</i>				
<i>ASSORTED CARTRIDGES</i>				
<i>2006 BLK, HRV5193 TX</i> <i>DODG</i> <i>1D7HU18206S605092</i>				
<i>2009 WHT/WHT HBP3291 TX</i> <i>CHRY Aspen</i> <i>1A8HW58P29F705577</i>				
Officer/ID# <i>MOORE, W. C. (9858)</i>				
Invest ID# <i>(0)</i>			Supervisor <i>(0)</i>	
Status	Complainant Signature		Case Status <i>Cleared By Arrest</i> <i>12/06/2016</i>	Case Disposition: <i>Page 1</i>

Incident Report Additional Name List

Tyler Police Department

OCA: 16-028385

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	ELDER, ANDREA ELISE		10/03/1996	20	B	F
	Address 14306 Selkirk St , Flint, TX 75762-		H: 903-330-1338			
	Empl/Addr Walmart, 6801 S Broadway Ave		B: - -			
			Mobile #: 903- -			
2) WI 2	ELDER, DEMETRIS NICOLE		08/25/1992	24	B	F
	Address 2720 S Broadway Ave Apt. 267, Tyler, TX 75701-		H: 903-830-8525			
	Empl/Addr		B: - -			
			Mobile #: 903-363-3682			
3) WI 3	DYKMAN, TANNER JAMES		01/10/1996	20	W	
	Address 22546 Shady Trail , , TX 75707-		H: 214-803-1380			
	Empl/Addr Hollytree Cc		B: - -			
			Mobile #: - -			
4) IO 1	LACK, STEPHEN D		03/08/1968	48	W	
	Address 5056 Oak Hill Dr , Smith County, TX 75762-		H: 903-360-0726			
	Empl/Addr		B: 903- -			
			Mobile #: 903- -			
5) IO 5	CHAVEZ, JEFF JR		11/02/1996	20	W	
	Address 321 Bois D Arc Dr Apt. 3, , TX 75701-		H: 469-508-8728			
	Empl/Addr Unemployed		B: - -			
			Mobile #: - -			
6) WI 5	WOOD, WESLEY RYAN		04/22/1995	21	W	
	Address 2155 Fm 17 , Grand Saline, TX 75140-		H: 903-508-3168			
	Empl/Addr		B: - -			
			Mobile #: - -			
7) WI 6	CRISWELL, JONATHON TODD		06/21/1997	19	W	
	Address 3922 Mcdonald Rd , Tyler, TX 75701-		H: 903-292-7389			
	Empl/Addr Tjc		B: - -			
			Mobile #: - -			
8) VI 4	State Of Texas	2				
	Address		H: - -			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Tyler Police Department

Case # 16-028385

Status Codes	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown					
D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
Assisting Officers <i>FREEMAN, R.C. (12420), STROTHER, R.A. (10622), THOMAS, W.O. (9070), MAIN, R.A. (11939), DOUGHTEN, J.L. (11375), COLBY, A. (11298), HOLCOMB, R.C. (10882)</i>						

Suspect Hate / Bias Motivated: *None*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 16-028385

Tyler Police Department

NARRATIVE

An aggravated assault occurred. [12/05/2016 14:44, JBAUSELL, 9, TYPD]

REPORTING OFFICER NARRATIVE

Tyler Police Department

OCA

16-028385

Victim

FRANKLIN, DERIL

Offense

AGG ASSAULT

Date / Time Reported

Fri 12/02/2016 14:18

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

I was not involved in this case. All responding officers entered supplements. I added the offense title only to the case at Sgt. Colby's request so that the supplements would copy from the mobile software to our records software. [12/05/2016 14:46, JBAUSELL, 9, TYPD]

Incident Report Suspect List

Tyler Police Department

OCA: 16-028385

1	Name (Last, First, Middle) <i>LACK, MATTHEW DOUGLAS</i>						Also Known As				Home Address <i>718 BARBARA ST TYLER, TX 75701</i>																																													
	Business Address <i>MIKOTO RAMEN BAR 903- - , ASST MGR, 6700 S BROADWAY, TYLER, TX</i>																																																							
	DOB <i>08/07/1997</i>	Age <i>19</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt <i>175</i>	Hair <i>BR</i>	Eye <i>BR</i>	Skin <i>LG</i>	Driver's License / State. <i>37079232 TX</i>																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN <i>636-58-1962</i></td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="3">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="4">VIN</td> </tr> </table>															<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN <i>636-58-1962</i>			Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel			VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN			
<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN <i>636-58-1962</i>																																													
Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel																																													
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN																																														
Notes																																																								
Physical Char																																																								
2	Name (Last, First, Middle) <i>YOO, HEON JONG</i>						Also Known As <i>YOO, HANK; YOO, HANK</i>				Home Address <i>1909 SYBIL LN - 101 TYLER, TX 75703 469-810-6556</i>																																													
	Business Address <i>UT TYLER 903-805-9499, STUDENT</i>																																																							
	DOB <i>08/28/1993</i>	Age <i>23</i>	Race <i>A</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>509</i>	Wgt <i>190</i>	Hair <i>BL</i>	Eye <i>BR</i>	Skin	Driver's License / State. <i>40601434 TX</i>																																													
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<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN <i>500-51-5475</i>																																													
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Incident Report Suspect List

Tyler Police Department

OCA: 16-028385

3	Name (Last, First, Middle) <i>LONG, JESSE ROGER</i>						Also Known As				Home Address <i>98 PROY RD GAYLORD, MI 49735</i>			
	Business Address													
	DOB <i>02/02/1997</i>	Age <i>19</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State. <i>L520403744088 MI</i>			
	Scars, Marks, Tattoos, or other distinguishing features													
Reported Suspect Detail														
Suspect Age		Race		Sex		Eth		Height		Weight		SSN		
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel Mode of Travel		
VehYr/Make/Model				Drs		Style		Color		Lic/St		VIN		
Notes							Physical Char							

4	Name (Last, First, Middle) <i>HERNANDEZ, CARLOS JOSE</i>						Also Known As				Home Address <i>1414 MOCKINGBIRD LN TYLER, TX 75701</i>			
	Business Address													
	DOB <i>02/14/1995</i>	Age <i>21</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>508</i>	Wgt <i>140</i>	Hair <i>BR</i>	Eye <i>BR</i>	Skin	Driver's License / State.			
	Scars, Marks, Tattoos, or other distinguishing features													
Reported Suspect Detail														
Suspect Age		Race		Sex		Eth		Height		Weight		SSN		
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel Mode of Travel		
VehYr/Make/Model				Drs		Style		Color		Lic/St		VIN		
Notes							Physical Char							

Incident Report Related Vehicle List

Tyler Police Department

OCA: 16-028385

1	VehYr/Make/Model 2009 CHRY, Aspen		Style LL		Color WHT/WHT		Lic/Lis HBP3291 TX 2017		VIN 1A8HW58P29F705577	
	IBR Status None		Date		Location TX					
	Condition		Value \$0.00		Offense Code		Jurisdiction Locally		State # NIC #	
	Name (Last, First, Middle) Lack, Matthew Douglas				Also Known As				Home Address 718 BARBARA ST TYLER, TX 75701	
	Business Address MIKOTO RAMEN BAR 903- - , ASST MGR, 6700 S BROADWAY, TYLER, TX									
	DOB 08/07/1997	Age 19	Race W	Sex M	Hgt 511	Wgt 175	Scars, Marks, Tattoos, or other distinguishing features			

Notes

2	VehYr/Make/Model 2006 DODG		Style PK		Color BLK		Lic/Lis HRV5193 TX		VIN 1D7HU18206S605092	
	IBR Status Towed		Date 12/02/2016		Location TX					
	Condition		Value \$0.00		Offense Code		Jurisdiction Locally		State # NIC #	
	Name (Last, First, Middle) Yoo, Heon Jong				Also Known As YOO, HANK; YOO, HANK				Home Address 1909 SYBIL LN - 101 TYLER, TX 75703 469-810-6556	
	Business Address UT TYLER 903-805-9499, STUDENT									
	DOB 08/28/1993	Age 23	Race A	Sex M	Hgt 509	Wgt 190	Scars, Marks, Tattoos, or other distinguishing features			

Notes

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: 16028385

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: THOMAS, W. O. (9070)

Date / Time: 12/02/2016 15:45:32, Friday

Supervisor: FREEMAN, J. D. (10712)

Supervisor Review Date / Time: 12/02/2016 18:09:42, Friday

Contact:

Reference: Supplement

Yes-Body Camera Yes-Watch Guard (body mic to WG not in unit 12845-no external sound)

On Friday, 12-02-2016, I was dispatched to 3954 McDonald Rd on an Aggravated Assault in progress. Dispatch advised the caller said there were several subjects at their residence and a gun was pointed at them. Suspects were still on scene. A supervisor advised to respond Code 3, which I did from Grande/ Copeland. I drove north on Copeland, east on Shiloh, north on Thistle to Old Troup, east on Callaway, north on Lazy Creek, east on University, north on Old Omen, east on McDonald.

Dispatch gave several updates while I was responding, including the suspects had just left south on Westminster in a black Dodge truck, which is a dead-end road. Officer Chris Moore advised he was on scene as I was turning onto McDonald. I turned south on Westminster off McDonald and the black Dodge Truck was parked sideways at the dead-end and Officer Moore had started conducting a felony stop. I retrieved my patrol rifle and assisted with cover on the felony stop. Four subjects were ordered out of the truck to a prone position on the ground. Other officers arrived on scene and assisted in securing the four suspects with handcuffs while I provided cover. Once the suspects were secured, I told dispatch and placed my patrol rifle back in my patrol unit.

I identified one of the suspects, Carlos Hernandez, and read the Miranda warning to him. Hernandez stated he understood his rights. Hernandez stated one of the other three males was attacked about two weeks ago by black males. Then, last night, Hernandez said his wife was home alone at their residence, 421 W. Woldert, when some black males forced their way into their house and held his wife at gunpoint. He said the suspects to the home invasion stole some of his guns. This was not reported to the police. Hernandez told his three friends the description of the home invasion suspects and one of his friends said it was the same description of his attackers. The four of them decided to go to the house of the black male suspects that live on McDonald Road and confront them. Once they were there, he told his friends the black males did not fit the description his wife gave him. Hernandez said the friend of his that got attacked continued to yell and argue with the black males. Hernandez denied having a weapon outside the truck and said he never saw any of his friends with a weapon either. They left the house on McDonald and drove down the dead-end road where we stopped them.

The other three detained suspects on scene were questioned by other officers. Officer Chris Moore located an AR-15 rifle, scoped rifle, shotgun, a handgun, and a machete inside the black truck we had stopped. Officers were on scene at 3954 McDonald gathering information and Sgt. Colby was at our location, as well. I stood by as scene security while the investigation continued. All four suspects were transported to the Smith County Jail by other officers. I had no further involvement.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: 16028385

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: DOUGHTEN, J. L. (11375)

Date / Time: 12/02/2016 18:02:50, Friday

Supervisor: FREEMAN, J. D. (10712)

Supervisor Review Date / Time: 12/02/2016 20:33:01, Friday

Contact:

Reference: Supplement

WATCH GUARD: Y

BODY CAMERA: Y

On December 2, 2016 at approximately 1420 hours I, Officer J. Doughten, was dispatched to 3954 Mcdonald in reference to an Aggravated Assault in progress. Officers were advised to be en-route to the scene with their lights and sirens (Code 3) to assist the callers. While en-route dispatch advised the suspects were leaving the scene in a black Dodge Ram pickup truck.

I arrived in the area and went to the dead end of Westminster Dr, the 2600 block, where Officer Moore had the black Dodge Ram (Texas LP #HRV5193) stopped and the four male occupants on the ground on the left side of the truck. I assisted Officer Moore in detaining the suspects. I approached and placed JESSE ROGER LONG and MATTHEW DOUGLAS LACK in hand restraints, checking them for proper fit and double locking them. I then frisked LACK and LONG for any weapons. I did not locate any weapons on LONG or LACK's person. I then sat LONG and LACK up and assisted them to the curb, where I had them take a seat. Officer Moore placed HEON JONG YOO and CARLOS JOSE HERNANDEZ in hand restraints and checked them for proper fit. YOO and HERNANDEZ were then seated on the curb.

I approached MATTHEW LACK and read him his Miranda Rights. LACK indicated that he understood his rights. I asked LACK why he thought that we were there and what had happened. LACK said that about two to three weeks ago he had been assaulted at his residence, 1426 E Travis. LACK said that he never reported the assault but that he had been beaten by a couple of black males. LACK said that he had been locked out of his residence and that the black subjects had offered to help him. When LACK and the black subjects got into the back yard they attacked him, hitting him behind his ears, on his temple and on his jaw. The subjects left after the assault with \$100 dollars in cash that belonged to LACK. LACK said that his friend CARLOS JOSE HERNANDEZ's residence had been broken into and that they believed it to be the same people who assaulted him. LACK has a friend, Jeff Chavez, who he believes knows who his assailants were. LACK had Chavez at his residence last night and they got into an argument. Chavez took LACK's keys and left the house in LACK's truck. LACK believed that the people who lived at 3954 Mcdonald were the people who assaulted him, possibly broke into his friend HERNANDEZ's residence and that they know where Chavez took his truck. LACK said that he just wanted to talk to the residence at this location. LACK stated that he forgot that he had his friend YOO's Ruger LCP .380 in his jacket pocket. LACK advised he removed the handgun from his pocket and handed it to YOO, who then put the gun back into his truck. LACK said that he saw the residence of 3954 Mcdonald carrying a revolver handgun. YOO and LACK were upset and were yelling back and forth with the residence of 3954 Mcdonald. When LACK realized that things were getting out of hand they went back to YOO's truck and left.

I approached HEON JONG YOO (AKA: Hank) and read him his Miranda Rights. I then asked YOO what had happened. YOO said that his friend MATTHEW had wanted to talk to the people at 3954 Mcdonald about an assault. YOO said that they went and picked up CARLOS, because he was also "robbed". JESSE ROGER

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: **16028385**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *DOUGHTEN, J. L. (11375)*

Date / Time: *12/02/2016 18:02:50, Friday*

Supervisor: *FREEMAN, J. D. (10712)*

Supervisor Review Date / Time: *12/02/2016 20:33:01, Friday*

Contact:

Reference: *Supplement*

LONG is YOO's friend and was also in the truck with LACK, YOO and HERNANDEZ. YOO put LONG in his tactical/plated armored vest, which was loaded with magazines for rifles, because he wanted LONG to be safe if there was gun fire. There were several rifles inside of YOO's truck. YOO said that MATTHEW had his Ruger LCP in his pocket from yesterday. When MATTHEW removed the handgun from his pocket YOO took it and put it in his truck.

Other Officers on scene spoke with LONG and HERNANDEZ. Officer Moore took pictures of YOO's Dodge pickup truck, which was towed, and also took all of the guns/rifles in the truck along with the tactical armored vest.

Sgt A. Colby was on scene and spoke to each of the suspects and the officers who had gone to the victims house and talked with them. Sgt Colby then advised Officer Main and I that all four, HERNANDEZ, YOO, LONG and LACK were going to be under arrest for Aggravated Assault with a Deadly Weapon (F2). Sgt Colby also advised that YOO, HERNANDEZ and LACK would also be charged with Criminal Trespass. Sgt Colby said that YOO would have an additional charge of Unlawful Transfer of Firearm (46.6) for providing LACK with a gun to commit the Aggravated Assault with a Deadly Weapon. Sgt Colby said that LACK would have an additional charge of Unlawful Carry of a Weapon.

YOO and LACK were placed in my patrol unit and seat belted in. I then transported them directly to the Smith County Jail, relaying both my starting and ending mileage to dispatch. Officer Main transported LONG and HERNANDEZ directly to the Smith County Jail.

At the Smith County Jail Officer Main completed the Affidavits for LONG, HERNANDEZ, LACK and YOO for all of their charges.

END OF SUPPLEMENT

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: 16028385

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: MAIN, R. A. (11939)

Date / Time: 12/02/2016 18:10:15, Friday

Supervisor: FREEMAN, J. D. (10712)

Supervisor Review Date / Time: 12/02/2016 20:37:55, Friday

Contact:

Reference: Supplement

Watchguard/Yes

Body Camera/Yes

On 12-2-2016 at approximately 1425 hours I, Officer R. Main, responded to 3954 Mcdonald Rd, Tyler, TX, 75703 in reference to an aggravated assault in progress. Dispatch advised a male was at this location threatening the caller with a handgun. I responded to the area Code 3. As I was en route, dispatch advised the suspects were leaving in a black Dodge pickup. Officers stopped the vehicle at the dead end of Westminster Dr and detained the occupants, identifying them as Heon Yoo, Matthew Lack, Carlos Hernandez and Jesse Long. I traveled to the victims at 3954 Mcdonald. Officer Strother and I spoke with Deril Elder, Emma Elder and Deryl Franklin and obtained sworn statements.

I spoke with Deril. The following is a summary of my conversation with him. He advised that a black Dodge pick up truck pulled in front of their house. Deryl was in the garage while Emma and Deril were in a vehicle in the driveway. I asked Deril to describe the occupants of the vehicle. Deril described the driver, Yoo, as a "Chinese" man wearing a "racist jacket". He described Hernandez as "the guy with the long black hair" and stated he knew Lack, referring to him as "Matt". Deril did not see the 4th passenger in the vehicle. The front right passenger, Matthew Lack, and back right passenger, Carlos Hernandez, exited the truck and walked into the yard of 3954 Mcdonald. Deril advised he knew "Matt" as he was a friend of one of Deril's friends. Deril advised he has only seen "Matt" one other time approximately 1 month ago. As Carlos and Lack approached the residence, they advised they were looking for "Curtis". Deril advised his nickname is "Curtis". Matthew and Carlos began to argue with Deryl, stating that "Curtis" assaulted Matthew (approximately 3 weeks ago) and robbed Carlos (possibly on 12-1-2016). It should be noted that neither of these incidents were reported to law enforcement. Deril exited Emma's vehicle and approached Carlos and Lack. Carlos told Matthew that Deril was not involved and walked back towards the truck. Deryl told all subjects to get off his property but they did not comply, continuing to argue with Deryl, Deril and Emma. Matthew then produced a black handgun (later identified as a Ruger LCP) from his jacket pocket. He swung the gun, pointing it at Deril, Emma and Deryl. He then placed the gun back in his jacket and backed up, although he was still on the property of 3954 Mcdonald. Yoo, the driver of the vehicle, exited the vehicle and walked onto the property of 3954 Mcdonald, yelling racial slurs at the victims while waving a Confederate flag. Lack pulled the handgun out of his jacket again, then put it back. He pulled it out for a third time and Yoo took it from him, placing it in his trenchcoat. The subjects continued to argue with the victims, leaving just prior to law enforcement arriving. Deril advised he would pursue charges against the suspects. I warned him of false report to a peace officer. He advised he understood and provided a statement that was captured by my body camera.

I next spoke with Emma, warning her of false report to a peace officer. She advised she understood and provided a statement that matched Deril's. She further advised that Lack pointed the handgun at Deril, Deryl and herself. She described the handgun as being black in color. She stated she feared that he would shoot them and called police. She also stated she wanted to pursue charges.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: 16028385

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: MAIN, R. A. (11939)

Date / Time: 12/02/2016 18:10:15, Friday

Supervisor: FREEMAN, J. D. (10712)

Supervisor Review Date / Time: 12/02/2016 20:37:55, Friday

Contact:

Reference: Supplement

I traveled to the 2600 block of Westminster to assist other officers. The following is what I learned from other officers. Officers located numerous weapons in the black Dodge pickup including rifles, shotguns, a machete and a Ruger LCP. Officers also located a significant amount of ammunition for those weapons. Long, Yoo, Lack and Hernandez admitted to traveling to 3954 McDonald to confront Deril in reference to the alleged assault/robbery. They also advised that they now thought that Deril was not involved in any of those incidents. Hernandez informed officers that he does not call police and handles his own business. Yoo admitted that all the weapons in the vehicle were his and also admitted to providing the LCP to Lack prior to their arrival at 3954 McDonald. Officers secured Hernandez in the back of my patrol vehicle. After speaking with Sgt Colby, it was determined that each subject would be charged with aggravated assault with a deadly weapon. Lack was also charged with criminal trespass/deadly weapon and unlawful carrying weapon. Yoo was also charged with unlawful transfer of a handgun and criminal trespass/deadly weapon. Hernandez was also charged with criminal trespass.

Long was taken out of Officer Moore's vehicle and placed in mine. I transported Long and Hernandez to the Smith County Jail while Officer Doughten transported Yoo and Lack to the Smith County Jail. Officer Moore took custody of the weapons. This concludes my involvement in this case. See other officers reports for further details. This is a supplemental report.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: **16028385**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *HOLCOMB, R. C. (10882)*

Date / Time: *12/03/2016 07:18:14, Saturday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *12/03/2016 10:10:33, Saturday*

Contact:

Reference: *Supplement*

I have body camera video of this incident. On 12-2-16 at approximately 1420 hours, I was dispatched to 3934 McDonald Road in reference to an aggravated robbery in progress. I notified dispatch, and ran a code 3 response to this location. While en route, I heard Officer C. Moore check out with the possible suspect vehicle at the dead end of Westminster road near the original location.

Upon arrival, I assisted in taking into custody two out of the four subjects that were in the vehicle. All the subjects were out of the vehicle and on the ground when I arrived on scene. I observed several weapons in the rear of the suspect vehicle. Once all suspects were secured, I stood by with them while interviews were being conducted. I then assisted in securing the suspects in patrol vehicles. That concludes my involvement in this case. Nothing further at this time.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: 16028385

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: STROTHER, R. A. (10622)

Date / Time: 12/03/2016 08:21:22, Saturday

Supervisor: RACKLIFF, J. (8820)

Supervisor Review Date / Time: 12/03/2016 10:09:08, Saturday

Contact:

Reference: Supplement

BVC/yes

WG/no

On 12-2-16 at about 1400 hours I responded to the area of 3954 McDonald Rd. in reference to an aggravated assault in progress. The caller advised that four male subjects in a black Dodge truck were in front of the residence threatening several people with a gun. The first Officers on scene made contact with the suspect vehicle at the dead end of Westminster St. I along with Officer R. Freeman made contact with the victims at the scene along with Officer R. Main. I first contacted A. Elder who advised that she had taken video of the incident on her cell phone. She showed me several of the video clips on her phone. One of the clips showed a white male subject wearing a green hoodie type jacket and white cap standing at the curb in front of the residence yelling profanities at the people in the yard. The front of the jacket had a heavy object in it and at one point the white male subject displayed a black hand gun and lifted it above his head then returned it to his pocket. A. Elder was able to send the entire recording to Officer Freeman's City Email where he then provided the video to Officer R. Main. Two other subjects in the yard were identified as victims in the case and Officer R. Main got sworn statements from those two persons. The victims did advised that the male subject did point the hand gun at them during the incident and they felt threatened by the act. Elder advised that the subject told them that he had been assaulted by one of the residence in the house in the past and he wanted payment for hospital bills that he had obtained. The two victims were given crime victims newsletter and provided a case number.

I spoke to a neighbor who was staying with his girlfriend at 3934 McDonald. He was identified as D. Tanner. Tanner stated that he heard a disturbance outside and saw a white male subject with three other people standing in the road yelling at the residence located at 3954. He advised that one of the subjects was talking about how many guns he had in the truck and one of the subjects was yelling racial slurs and waving a rebel flag. He advised that one of the subjects was also wearing what appeared to be a bullet proof vest. He did not witness any subject display a gun.

I drove to the dead end of Westminster when I contacted several Officer on scene. I noticed a black Dodge truck that had several guns laying in the back seat. All occupants were detained at that time. Officer R. Main and Officer Doughten transported four male subjects to the Smith County Jail. I assisted Officer C. Moore with the collection of several fire arms and ammunition from the vehicle and secured them in the rear of his patrol car. I had no other involvement in this case.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: MOORE, W. C. (9858)

Date / Time: 12/03/2016 09:38:10, Saturday

Supervisor: RACKLIFF, J. (8820)

Supervisor Review Date / Time: 12/03/2016 10:15:42, Saturday

Contact:

Reference: Supplement

WATCH GUARD/ yes. Body Camera/ yes.

At 1418, on Friday, December 2, 2016, I was dispatched to an Aggravated Assault in Progress at 3954 McDonald. Dispatch advised that a man was threatening the residents at this location. Units responding were advised to run "Code 3" by LT. MALONE. I activated the emergency red-and-blue overhead lights and the siren of unit 12852, using the horn to assist in clearing intersections. Once in the area I discontinued code 3 and was directed south on Westminster by the victims. Dispatch advised that the suspects, in a black Dodge truck, had gone down the dead-end.

As I turned east on the dead-end I saw the black Dodge pick-up, sitting across the roadway, facing north, as the driver was attempting to turn around. A white male in a white ball cap was assisting the driver in turning around. I exited my vehicle, drew my pistol, and told the white male in the ball cap to get on the ground. I then ordered the driver to turn off the vehicle, then get out and get on the ground. Body Camera was active during this encounter, as was the Watch Guard. After the two were prone out I asked them who else was in the vehicle. The driver said that there were two more in the back seat. I ordered the remaining two out and had them prone out with the first two. OFFICER W. THOMAS advised on the radio that he was on the scene.

I then approached the truck to check for any other occupants. I then noticed three long guns and a machete in the back seat. Other officers began to arrive and we placed all four subjects in handcuffs while the investigation evolved. The four were patted down for weapons, as it was known that at least one hand gun was displayed at the original scene.

After all four were secured we began to identify them. The driver was identified as HEON YOO, the male in the white ball cap was MATTHEW LACK. The back seat passengers were JESSE LONG and CARLOS HERNANDEZ. I then searched the vehicle, a black Dodge pick-up, TX LP: HRV5193. In the center console I found a Ruger LCP semiautomatic pistol, unloaded, with one LCP magazine and one extra .380 cartridge. The magazine contained five .380 cartridges. In the back seat was a Smith & Wesson M&P-15 semiautomatic rifle, a Remington model 700 semiautomatic rifle, and a Winchester 12 gauge shotgun. There was also a Gerber machete and a military-style bullet resistant vest with the Molle loops. None of these weapons was loaded; however, there was a loaded PMAG 30 round magazine for the Smith & Wesson and several shotgun shells for the shotgun. There was a second PMAG magazine in the magazine pouch of the tactical vest.

I interviewed LONG, who was one of the back seat passengers. I asked him what they had been doing. He told me that they came to the McDonald address so that LACK could confront the person who stole his car the night before. LONG is from Michigan and said he was staying with "HANK", which is a name assigned to YOO, the driver. He did not see LACK's car being stolen. I spoke with LACK who said that they came to retrieve his vehicle and talk to the suspect's parents, but they were acting 'juvenile' and argumentative. LACK said that JEFF CHAVEZ and others jumped him about two weeks ago, but he did not report it for fear of retaliation. LACK said that the suspects know where he lives and works. He said that CHAVEZ attacked him and stole his white Chrysler Aspen at about 0500, 12-02-16. LACK did not report this offense either. LACK said that he came by the McDonald residence and saw his vehicle there, earlier today. He did not know if it was still at the house during this investigation.

Other officers came to our location and explained what had occurred on McDonald. YOO drove the group to

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 03/27/2018 10:28

Tyler Police Department

OCA: **16028385**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *MOORE, W. C. (9858)*

Date / Time: *12/03/2016 09:38:10, Saturday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *12/03/2016 10:15:42, Saturday*

Contact:

Reference: *Supplement*

the residence and confronted the people living there. LACK and YOO got out and LACK approached the residents and began an argument. LACK then pulled a small black semiautomatic pistol from his waistband and briefly panned the residents with the muzzle. He replaced the gun, then drew it again. The third time LACK displayed the gun YOO took it from him and placed it in his jacket. YOO then began waving a Confederate flag and yelled at the residents. LONG and HERNANDEZ got out of the vehicle, LONG sporting the tactical vest.

Based on the information, which had been recorded on a smart phone by one of the residents, it was determined that an Aggravated Assault had occurred and that all four subjects played a role in the event. They were then transported to the Smith County Jail by OFFICERS MAIN and DAUGHTEN.

Using my Tyler Police Department-issued camera I took photographs of the vehicle and the weapons, which I then collected. I transported the weapons, ammunition, and vest to the Tyler Police Department and logged them into Evidence at the Property Unit of the Tyler Police Department. I submitted the digital media card in the slot in the Crime Scene Office of the Tyler Police Department. Watch Guard and Body Camera recordings were saved under this case number.

This case is Cleared by Arrest.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: FREEMAN, R. C. (12420)

Date / Time: 12/03/2016 09:38:36, Saturday

Supervisor: RACKLIFF, J. (8820)

Supervisor Review Date / Time: 12/03/2016 14:58:56, Saturday

Contact:

Reference: Supplement

bodycam / yes
watchguard / yes

On 12/2/2016 at approximately 1418hrs I, Officer R.Freeman was dispatched to 3954 McDonald Rd in reference to an aggravated assault in progress. Upon arrival I made contact with Deryl Franklin who advised that a black dodge pickup had pulled up across the street and starting yelling racial comments at him.

Deryl stated that him and his family were standing outside in their driveway at 3954 McDonald when four males pulled up in a black dodge pick up. The driver who Deryl described as an asian male wearing a cowboy hat, later identified to me as Heon Yoo, starting yelling racial comments and telling them to go back from where they came from.

Deryl advised that the front passenger then exited the truck described as a white male wearing a hoodie and a white hat, later identified to me as Matthew Lack, started screaming at his another individual at the residence from the street. Deryl said that the Matthew began yelling stating that one of the individuals had previously put him in the hospital three weeks early. Matthew continued to exchange words with Deryl when Heon Yoo exited the vehicle and began shouting.

At this point Deryl advised that a backseat passenger described as a white male wearing a green bullet proof vest and black gloves, later identified to me as Jesse Long exited the vehicle and stood in the driveway next to Matthew and Heon.

Deryl stated that Matthew stated he had a handgun on him but did not recall viewing the gun. Deryl advised that Matthew then stated that he had four other guns in the vehicle.

Deryl advised that neighbors heard all the shouting and came outside and witnessed the subjects shouting at them.

I, Officer R.Freeman then spoke with Andrea Elder whom advised Officer R.Strother that she was able to record part of the incident on her phone. I was able to assist Andrea in sending both of the videos to my city provided email. I later forwarded the videos to Officer R.Main's city provided email whom requested the videos for affidavit purposes.

I, Officer R.Freeman then proceeded to 3922 McDonald Rd and spoke with Jonathon Criswell and Wesley Wood to ask if they had witnessed any of the incident that had just occurred.

Johnathon advised that him and Wesley had just returned to his residence when they noticed individuals arguing at 3954 McDonald Rd. Johnathon advised that he did not witness a weapon just heard all the individuals yelling at each other. Johnathon stated that he noticed Matthew and Deryl arguing in the yard.

Investigator Signature

Supervisor Signature

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Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *FREEMAN, R. C. (12420)*

Date / Time: *12/03/2016 09:38:36, Saturday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *12/03/2016 14:58:56, Saturday*

Contact:

Reference: *Supplement*

Wesley stated that when they pulled up to Johnathon's residence he saw Matthew and Heon standing in the yard yelling at Deryl. Wesley advised that Deryl was asking Matthew and Heon to leave when he noticed Matthew retrieve a black pistol from the pocket of his hoodie and wave it around. Wesley was able to describe the Matthew and Heon to me as well as the pistol that Matthew had waved around.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *MOORE, W. C. (9858)*

Date / Time: *12/03/2016 10:21:37, Saturday*

Supervisor: *LOCKHART, S. B. (9770)*

Supervisor Review Date / Time: *12/03/2016 10:54:01, Saturday*

Contact:

Reference: *Supplement*

Watch Guard/ yes, Body Camera/ yes, during the investigation. Correction on the serial number for the Remington model 700 Rifle. The correct serial number is RR72549B.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: BROWN, D. (9981)

Date / Time: 12/03/2016 11:09:05, Saturday

Supervisor: RACKLIFF, J. (8820)

Supervisor Review Date / Time: 12/03/2016 13:11:32, Saturday

Contact:

Reference: Supplement

BC- yes. WG-yes.

On 12/03/2016 I was dispatched to 215 S. Bois D Arc in Tyler, Smith Co. Texas on a public service. The caller, Stephen Lack (W/M 03/08/1968) said his son was was needing to pick up a vehicle and he wanted the police to stand by. Upon arrival I contacted Stephen Lack. Lack said his son, Matthew Lack, was recently arrested for an aggravated assault. he said the arrest is connected to an assault. He said three weeks ago his son was assaulted and had to go to ER, He never reported it. Then his said his vehicle was stolen by the people who assaulted him but he never reported that. The vehicle is registered to Matthews grandmother.

This morning Matthew lack called his grandma to tell her where th car is parked. Upon arrival to the said address. The car was parked in the back of this apartment building. All the windows were rolled up and the car was locked. No sign of forced entry. Stephen Lack arrived and drove the car off. Nothing further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *FREEMAN, R. C. (12420)*

Date / Time: *12/03/2016 11:09:33, Saturday*

Supervisor: *RACKLIFF, J. (8820)*

Supervisor Review Date / Time: *12/03/2016 14:58:56, Saturday*

Contact:

Reference: *Supplement*

bodycam / yes
watchguard / no

On 12/3/2016 at approximately 1036hrs I, Officer R.Freeman was dispatched to 321 S Bois D Arc Ave in reference to a public service. Upon arrival I made contact with Jeff Chavez whom was out walking his dog. I asked Jeff if he knew whose Cream Chrysler SUV TXLP HBR-3291 was parked out back by his residence. Jeff stated that it belonged to his friend Matthew Lack.

I asked Jeff how long the vehicle had been parked behind his residence and he stated that Matthew Lack and Heon Yoo had stopped by about two days ago and asked him if he would keep an eye on it for Matthew.

Jeff advised that he has not seen or talked to Matthew since he parked the vehicle back there.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: COLBY, A. (11298)

Date / Time: 12/03/2016 16:46:58, Saturday

Supervisor: COLBY, A. (11298)

Supervisor Review Date / Time: 12/03/2016 21:33:12, Saturday

Contact:

Reference: Supplement

BCV-Yes
WGV-Yes

On 12/2/16 at approximately 1418 hours I was on duty when TPD Dispatch advised that an Aggravated Assault was in progress at 3954 McDonald. Dispatch stated that there were four male subjects at this location with guns and they were threatening the homeowners. Units responded code three. The victims advised that the suspects left in a black truck that had gone down Westminster. Several TPD Officer went down Westminster, which is a dead end, and detained the suspects as they were attempting to turn around.

I proceeded to the scene. Upon arrival I stopped at the victims home where officers told me that they were still in the process of taking statements. I was told that at least one of the suspects had displayed a handgun when they came on the property and started threatening the residents. I instructed the officers to take recorded statements and determine what offenses had been committed and ask if the victims want to press charges. I then went down Westminster to where the suspects were detained. Upon arrival I saw that the black truck was parked sideways across the street where it had been stopped while attempting to make a u-turn. All four suspects were handcuffed and sitting on the curb. I spoke with TPD Officer Doughten who stated that all four suspects had been read the Miranda Warning prior to questioning. She said that one of the suspects, identified as Matthew Lack, had stated that he had come to this house because he thought that at least one resident had been involved in assaulting him several weeks ago and was also involved in stealing his vehicle the previous night. Lack had not reported either alleged incident to the police. Lack had been the subject that had pointed the gun at several people. He had used a Ruger LCP pistol which had been recovered in the vehicle. I looked in the vehicle and saw several weapons. This included a shotgun, two scoped rifles, and an AR15. I also observed a set of full body armor with loaded AR15 magazines in the carrier pockets. It was obvious that the suspects had come to this location prepared for a violent conflict.

I then began to talk with the suspects (I will para-phrase our conversations in this narrative. Refer to recordings for exact wording). I spoke with Carlos Hernandez. I asked Hernandez why they came to the house on McDonald. Hernandez stated that his friend, Matthew Lack, had been assaulted several weeks ago and then had his car stolen by someone that they thought lived at this house. Hernandez added that there was a home invasion at his house. I asked Hernandez if he reported this to the Police. He said that he did not because he did not believe that the Police would do anything about it. I asked why he did not call the Police if he thought that he knew who had victimized him and Lack. He said that he takes care of his own business. When asked why they had so many weapons in the vehicle he stated that he was prepared for a fight. Hernandez stated that he had left the vehicle during the confrontation but did not carry a weapon. During our conversation it became apparent that Hernandez had intended to act as a vigilante and administer "street justice". Hernandez also indicated that shortly after the confrontation began he realized that the people at this house had nothing to do with his alleged grievances which is why they left when they did.

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Supervisor Signature

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Occurred: 12/02/2016

Offense: AGG ASSAULT

Investigator: COLBY, A. (11298)

Date / Time: 12/03/2016 16:46:58, Saturday

Supervisor: COLBY, A. (11298)

Supervisor Review Date / Time: 12/03/2016 21:33:12, Saturday

Contact:

Reference: Supplement

I then spoke with Jesse Long. I asked Long why they had come to the house on McDonald. He basically gave the same story, that his friends had been victimized by someone living at this location. Long stated that he was just there to back up his friends but they only came to this location to talk. I asked Long why he was wearing body armor if he was only there to talk. He said "so he wouldn't get shot". I asked why someone would get shot if they were only there to talk. He did not have a response. It should be noted that Long had several loaded AR15 magazines in the body armor that he was wearing when the incident occurred. He exited the vehicle and stood within arms reach of the AR15 rifle located in the back of the truck.

I then spoke with the driver of the truck, Heon Yoo. Yoo and all of his friends referred to him as "Hank". I asked Hank why they had come to the house on McDonald. He essentially repeated the story of the alleged crimes against his friends. During our conversation, Hank said that he "accidentally" gave Lack his handgun. This was the Ruger LCP that was recovered in the truck. Hank stated that they came to the house to talk but the people at the house were yelling at Lack so he exited the vehicle and began yelling expletives and racial slurs at the victims. Hank said that he saw Lack take out the gun. Hernandez said that these were not the people involved in the alleged crimes so he took the gun away from Lack. They then got in the truck and left. I had been told by officers on scene that the weapons were found unloaded so I asked Hank why they unloaded the weapons after they left the house. Hank said that he was just carrying the weapons in a safe manner. However, this statement shows that all of the weapons were loaded when they arrived at the house on McDonald. I asked Hank why they brought guns if they only intended to talk. He said because they have guns. I asked Hank what he thought the best possible outcome would have been with them coming to the house armed. Hank said that he hoped that they would have paid for Lack's medical bills and returned his car, indicating that they in fact were looking to take money and/or property by force. I then asked what he thought that the worst possible outcome would have been. Hank said that they could have ended up in a gun fight. During the conversation Hank said that he supplied the body armor to Long. I asked why he would need body armor. He said that he didn't want his friend getting shot. Hank said all of the guns belonged to him

I then spoke with the officers that had spoken with the victims. I was informed that Lack had pointed the gun at several people during the confrontation. One of the victims had captured part of the incident on video using a phone. This video was later downloaded as evidence. The officers had statements indicating that Heon Yoo and Carlos Hernandez had in fact come onto and remained on the property at 3954 McDonald with Lack, after being told to leave. Lack and Yoo had done this while handling firearms. Long had exited the truck but did not step onto the private property. However, Long was visible and wearing body armor with several loaded magazines in plain view, adding to the level of intimidation. Long remained by the truck, maintaining access to the long guns.(see additional supplements for details).

Based on statements from the victims, witnesses, and suspects, the following had been established. All four subjects had knowingly and intentionally come to the house at 3954 McDonald for the purpose of a confrontation. All four subjects were provided access to firearms by Heon Yoo (Hank) and brought those weapons to the confrontation. Lack had carried the Ruger LCP onto the private property concealed in his waistband. Lack does

Investigator Signature

Supervisor Signature

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/02/2016*

Offense: *AGG ASSAULT*

Investigator: *COLBY, A. (11298)*

Date / Time: *12/03/2016 16:46:58, Saturday*

Supervisor: *COLBY, A. (11298)*

Supervisor Review Date / Time: *12/03/2016 21:33:12, Saturday*

Contact:

Reference: *Supplement*

not have a handgun license thereby committing the offense of Unlawful Carrying of a Weapon. Lack was provided with this weapon by Heon Yoo, who clearly knew that Lack intended to commit a criminal offense with this weapon. In doing this, Yoo Unlawfully Transferred a hand gun. Lack, Yoo, and Hernandez entered onto the private property at 3954 McDonald for the purposes of committing an offense. As stated by Hernandez, they had intended to handle this by themselves (without the police). All three remained on the property after being told to leave and continued with the confrontation. Lack and Yoo did this with a firearm. During the confrontation Lack pointed a hand gun at several people, committing the offense of Aggravated Assault with a Deadly Weapon. Taken in it's totality, Yoo, Hernandez, and Long all participated in this offense with Lack. All four were armed or had access to firearms during the confrontation. All four had stated that they were there to take care of business or back each other up in what was clearly a criminal enterprise. All four showed that they were prepared for a gunfight, with Long even wearing body armor. All four were part and parcel to the Aggravated Assault with a Deadly Weapon. Finally, if the suspect statements are to be believed, All four suspects went to a private home to retaliate for alleged criminal offenses against two of them. These alleged offenses were never reported to the police. All four suspects intended to take the law into their own hands in retaliation for these offenses and all four were shown to be prepared to use violence toward that end. Ironically, the suspects stated that after committing the above listed offenses, they realized that the people that they had accosted were not who they were looking for. It appears that the this incident would have gone further if not for Hernandez stating that these were the wrong people. All four suspects were transported to the Smith County Jail and booked in for the above offenses.

A Peace Officers Affidavit for Revocation of a handgun License will be completed and sent to DPS in Austin.

Nothing Further.

Investigator Signature

Supervisor Signature